

REMARKS/ARGUMENTS

I. Objection to the Drawing

The Office objected to the drawing under 37 SFR 1.83(a) as failing to show every feature of the invention specified in the claims. Specifically, the Office argued that the drawing fails to show limitations recited in claims 4 and 14. (Note: The Office actually wrote that it objected to claim 15, but it appears as though the Office was referring to claim 14)

Regarding the objection to claim 4, the office argued that the drawing fails to illustrate that "the clarifying symbols consist entirely of 24 letters of the English alphabet" as recited in claim 4. The Applicant respectfully disagrees. As shown below, Figure 6 illustrates clarifying symbols, where 24 letters of the English alphabet have been used. The only letters that have not been used as clarifying symbols are the letters "q" and "x".

a b c d e f g h i j k l m n o p q r s t u v w x y z

36 Sounds of Guffanti Initial Teaching Alphabet

ah as in apple	oh as in otter	uh as in duck	eh as in eagle
fh as in fish	rh as in rat	ch as in chip	gh as in goat
kh as in kangaroo	sh as in sun	vh as in van	qh as in food
lh as in lion	th as in tiger	ih as in ship	yh as in toy
mh as in mom	zh as in zebra	wh as in wolf	qw as in cow
hh as in horse	jh as in jet	th as in thimble	ou as in foot
eh as in egg	gh as in gift	yh as in yak	ie as in tie
ih as in itch	gh as in dog	ay as in ape	th as in bathe
nh as in nest	bh as in bee	ph as in pig	zh as in treasure

FIGURE 6

Regarding the objection to claim 14, the Office argued that the drawing failed to illustrate "a reading assist card having a window sized and dimensioned to focus attention on a subset of the words and corresponding ones of the adjacently positioned clarifying symbols." The Applicant disagrees, but to further prosecution has amended claim 14 to recite "a reading assist card having a window," which is fully disclosed in Figure 10 of the drawing.

II. Rejection of Claims 1-14 under 35 U.S.C. §101

The Office rejected claims 1-20 under 35 U.S.C. 101 as being directed towards non-statutory subject matter. The office argued that claims 1-14 recite a system while failing to positively recite any feature with structural limitations. In response, the Applicant has amended claims 1-14 to recite a training apparatus, which is supported in the original specification on pages 9-10. No new matter has been added

The Office argued that claims 15-20 recite a method that fails the *In re Bilsky* machine or transformation test. The Applicant disagrees, but to further prosecution has amended claims 15 and 18 to recite "revising at least part of the word to include at least one of the phonetic symbols." This limitation is supported by the original specification on P7, paragraph 4, and in corresponding Figure 10.

III. Rejection of Claims 1-13 and 15-20 under 35 U.S.C. 102(f)

The Office rejected claims 1-13 and 15-20 under 35 U.S.C. 102(f) for being invented by another. The Applicant *disagrees* and submits affidavits under 37 C.F.R. 1.131 that clarifies that Stephen Guffanti invented the subject matter using an initial teaching alphabet (ITA) with clarifying phonetic symbols consisting entirely of letters of the standard alphabet. (ITA is defined in the specification on page 1, in the fourth paragraph) Maureen Guffanti merely helped Stephen Guffanti write the content of the book "Rocket Phonics, but did not actually invent the teaching method or the teaching materials.

IV. Rejection of claims 1-13 and 15-20 under 35 U.S.C. 102(a)

The Office rejected claims 1-13 and 15-20 under 35 U.S.C. 102(a) as being unpatentable over "Rocket Phonics." The Applicant *disagrees* in view of the concurrently filed affidavit under 37 C.F.R. 1.131, which clarifies that Stephen Guffanti was in possession of, and had reduced to practice, the claimed subject matter as early as February 2000, which was before the publication of Rocket Phonics on September 2, 2002.

V. Request for Allowance

Claims 1-20 are pending in this application. The Applicant requests allowance of all pending claims.

Respectfully submitted,
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